

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**JAMES DARIAN PIERRE, and
CHARLES WENDELL THOMPSON,**

Defendants.

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Criminal No. 4:17-cr-414

UNITED STATES' OBJECTIONS TO DEFENDANT PIERRE'S EXHIBIT LIST

The United States of America, by and through undersigned counsel, hereby objects to the following exhibits on Defendant Pierre's exhibit list (Dkt. 172):

Pierre Ex. No.	Description	Objection
30	Dr. Eric Roberson Report	Hearsay (FRE 802)
31	Attorney Hendershot File	Threshold requirements for advice of counsel not satisfied (Dkt. 138)
32	Attorney Hendershot Emails	Threshold requirements for advice of counsel not satisfied (Dkt. 138)
35	R. Walker Background Check by Dr. James Pierre	No objection if a proper foundation is laid to authenticate document
36	R. Walker State Order Cause No. 1261294	Improper impeachment (deferred adjudication does not qualify as conviction under FRE 609 ¹)
37	R. Walker State Order Cause No. 1261295	Improper impeachment (deferred adjudication does not qualify as conviction under FRE 609)
38	Attorney Don Lewis Response to Allegations Contained in Notice letter dated 3/31/2016	Hearsay (FRE 802)

¹ See, e.g., *United States v. Valentine*, 401 F.3d 609, 615 (5th Cir. 2005).

39	Dr. James Pierre TMB Hearing Transcripts	Hearsay (FRE 802) ²
40	James Pierre TMB Order	Hearsay (FRE 802); Relevance (FRE 402); Risk of misleading jury/prejudice (FRE 403)
41	Temporary Suspension of License Notice	Hearsay (FRE 802); Relevance (FRE 402); Risk of misleading jury/prejudice (FRE 403)
46	DEA Opioid Seminar Letter	No objection if a proper foundation is laid to authenticate document
47	DEA Opioid Seminar Refusal	No objection if a proper foundation is laid to authenticate document
48	Audio recording – Dr. James Pierre interview with DPS/DEA agents 07/26/16	Hearsay (FRE 802) ³
49	Audio recording – Deandra Vaughn interview with DPS/DEA agents 07/26/16	No objection if recording used solely for potential impeachment purposes
50	Audio recording – Felicia Boyzer interview with DPS/DEA agents 07/26/16	No objection if recording used solely for potential impeachment purposes
51	Audio recording – Rhonda Walker interview with DPS/DEA agents 07/26/16	No objection if recording used solely for potential impeachment purposes

² The TMB Hearing Transcript contains the testimony of Sheila Hux, who is named on the Government's witness list (Dkt. 151). The Government does not object to Defendant Pierre's use of that portion of the TMB Hearing Transcript for potential impeachment purposes during cross examination of Ms. Hux.

³ The United States listed an excerpt of the Pierre interview recording on its Amended Exhibit List. Dkt. 173 (Ex. 34). A party's prior statements are not hearsay when offered into evidence *against* that party. Fed. R. Evid. 801(d)(2)(A). Admission of the Government's excerpt does not open the door to admission of the entire recording under the rule of completeness. *See* Fed. R. Evid. 106; *United States v. Herman*, 997 F.3d 251, 264 (5th Cir. 2021); *United States v. Branch*, 91 F.3d 699, 729 (5th Cir. 1996).

52	Audio recording – Aaron Ocampo interview with DPS/DEA agents 07/26/16	Hearsay (FRE 802) ⁴
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Respectfully submitted,

JENNIFER LOWERY
Acting United States Attorney

By: /s/

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CERTIFICATE OF SERVICE

I affirm that I electronically filed these Objections on ECF on September 15, 2021, which will send notice of docket activity to all registered CM/ECF attorneys who have entered an appearance in this case.

/s/ John-Alex Romano
John-Alex Romano

⁴ Aaron Ocampo is listed as a witness for Defendant Pierre. See Dkt. 171.